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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,652	01/21/2004	Mark Stuart Day	CIS03-55(8097)	3411

47654 7590 04/09/2007
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EXAMINER

TRAN, NGHI V

ART UNIT PAPER NUMBER

2151

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/761,652

Applicant(s)

DAY, MARK STUART

Examiner

Nghi V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 18-34 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-16, 18-31, 33, 34 and 36-38 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 23-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/08/2007.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed on January 08, 2007.

Claims 1, 14, 15, 19, 32, 33, 37, and 38 have been amended. Claims 17 and 35 have been canceled. Therefore, claims 1-16, 18-34, and 36-38 are presented for further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 12-13, 15, 18-22, 30-31, 33, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Major et al., United States Patent Number 6,993,508 (hereinafter Major).

4. With respect to claims 1, 15, 18-19, 33, and 36-38, Major teaches in a data processing device [i.e. a web browser **220**], a method supporting access to stored information [see abstract and figs.1-3], the method comprising:

- receiving user-selected content data from a remote source over a network in response to a user initiated content data selection [i.e. allows consumers to browse through entertainment content, select the content to be viewed, col.3, lns.22-62];
- storing the user-selected content data in a storage location associated with the data processing device [i.e. each selection made by the consumer may be “added to a cart”, col.3, lns.22-62]; and
- enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location [col.6, ln.30 through col.7, ln.58 and col.10, lns.4-63].
- wherein the first portion of the received user-selected content data includes a first playable work corresponding to a first user-selection and the second portion of the received user-selected content data contains a second playable work corresponding to a second user-selection [col.6, ln.30 through col.7, ln.58 and col.10, lns.4-63 and fig.2], the first and second playable works being distinct [i.e. trailer and movie are being distinct]; and
- wherein disabling access [i.e. encryption process] to the second portion comprises forbidding a user from playing the second playable work, the second playable work otherwise being in a condition suitable [i.e. decryption keys] to be played [i.e. decryption process] [col.6, ln.30 through col.7, ln.58 and col.10, lns.4-63].

5. With respect to claims 2 and 20, Major further teaches wherein receiving user-selected content data from the remote source includes: receiving a portion of user-selected content data from the remote source in response to a user retrieving previously stored user-selected content data from the storage location [i.e. play list manager 224, col.7, Ins.7-10 and col.3, Ins.22-62].

6. With respect to claims 3 and 21, Major further teaches further comprising: providing notification to a user of only the portion of user-selected content data in the storage location that is available to the user for retrieval [i.e. the consumer is notified via the browser 220 when the content is available for viewing, col.6, Ins.47-60].

7. With respect to claims 4 and 22, Major further teaches wherein receiving user-selected content data from the remote source includes receiving the user-selected content data via use of a non-real-time data communication protocol [col.6, Ins.30-46], the method further comprising: in response to receipt of a user playback command, transmitting a stream of data associated with the user-selected content data in the storage location to a playback device via use of a real-time data communication protocol [i.e. operates to download and stage the copy-righted digital content on the viewing system of a consumer, col.3, Ins.7-62 and col.10, Ins.4-63].

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8. With respect to claim 12, Major further teaches further comprising: receiving input from the user specifying a bandwidth constraint for receiving user-selected content data over the network from the remote source for storage in the storage location; and limiting a network bandwidth allocated for transmission of the user-selected content data from the remote source over the network depending on the specified bandwidth constraint [col.2, lns.4-58].

9. With respect to claim 13, Major further teaches further comprising: providing a time limit in which the user may selectively retrieve the user-selected content data from the storage location [i.e. 10 minutes of the current position, col.7, lns.26-46].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 16 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Major as applied to claims 15 and 33 above.

12. With respect to claims 16 and 34, Major does not explicitly show receiving a prioritized list of preferred user-selected content data to be delivered for storage in the

storage device associated with the user generating the selection information, the user-selected content data stored in the storage device being a subset of requested content data identified in the prioritized list. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Major by receiving a prioritized list of preferred user-selected content data to be delivered for storage in the storage device associated with the user generating the selection information because this feature enables user to select content data in a priority.

13. Claims 10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Major as applied to claims 1 and 19 above, and further in view of Robbin et al., United States Patent Application Publication Number 2003/0079038 (hereinafter Robbin).

14. With respect to claims 10 and 28, Major further teaches further comprising: generating a graphical user interface for displaying an itemized list of accessible user-selected content data in the storage location [col.6, lns.30-46], the accessible user-selected content data being selectively retrieved by a user for playback in real-time [col.3, lns.7-62 and col.10, lns.4-63].

However, Major does not explicitly show receiving input from the user identifying a de-selected content item in the itemized list of available content data; disabling user access to user-selected content data in the storage location associated with the de-

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selected content item; and enabling user access to a different portion of user-selected content data in the storage location previously inaccessible to the user.

In a data processing device, Robbin discloses or suggests receiving input from the user identifying a de-selected content item in the itemized list of available content data; disabling user access to user-selected content data in the storage location associated with the de-selected content item; and enabling user access to a different portion of user-selected content data in the storage location previously inaccessible to the user [paragraphs 0054-0057].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Major in view of Robbin by de-selecting content item in the itemized list of available content data because this feature is not to be stored to the media device [Robbin, paragraph 0055]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to remove those media items stored on the media device [Robbin, paragraph 0057].

15. With respect to claims 11 and 29, Major further teaches receiving input from the user specifying a time constraint for receiving the user-selected content data from the remote source for storage in the storage location; and receiving the user-selected content data over the network for storage in the storage location depending on the specified time constraint [i.e. 10 minutes of the current position, col.7, lns.26-46].

Response to Arguments

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16. Applicant's arguments filed January 08, 2007 have been fully considered but they are not persuasive because of the following: Major teaches in a data processing device [i.e. a web browser **220**], a method supporting access to stored information [see abstract and figs.1-3], the method comprising: receiving user-selected content data from a remote source over a network in response to a user initiated content data selection [i.e. allows consumers to browse through entertainment content, select the content to be viewed, col.3, Ins.22-62]; storing the user-selected content data in a storage location associated with the data processing device [i.e. each selection made by the consumer may be "added to a cart", col.3, Ins.22-62]; and enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location [col.6, ln.30 through col.7, ln.58 and col.10, Ins.4-63]; wherein the first portion [i.e. trailer] of the received user-selected content data includes a first playable work corresponding to a first user-selection and the second portion of the received user-selected content data contains a second playable work corresponding to a second user-selection [i.e. movie] [col.6, ln.30 through col.7, ln.58 and col.10, Ins.4-63 and fig.2], the first and second playable works being distinct [i.e. trailer and movie are being distinct]; and wherein disabling access [i.e. encryption process] to the second portion comprises forbidding a user from playing the second playable work, the second playable work otherwise being in a condition suitable [i.e. decryption keys] to be played [i.e. decryption process] [col.6, ln.30 through col.7, ln.58 and col.10, Ins.4-63].

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17. Therefore, the examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims. Claims 2-4, 10-13, 16, 18, , 20-22, 28-31, 34, and 36-38 are rejected at least by virtue of their dependency on independent claims and by other reasons set forth above. Accordingly, claims 1-4, 10-13, 15-16, 18-22, 28-31, 33-34, and 36-38 are respectfully rejected as shown above.

Allowable Subject Matter

18. Claims 14 and 32 are allowed.

19. Claims 5-9 and 23-27, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday and every other Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi Tran
Patent Examiner


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER